UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ALEXANDER BENDOLPH	§	
	§	CIVIL ACTION
Plaintiff,	§	
	§	NO.: 1:16-cv-373
VS.	§	
	§	
THE UNITED STATES OF AMERICA,	§	
KEYSTONE SHIPPING CO., and KEYSTONE	§	
OCEAN SERVICES, INC.	§	
	§	
Defendants.	§	

COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ALEXANDER BENDOLPH, hereinafter referred to as Plaintiff, complaining of THE UNITED STATES OF AMERICA, KEYSTONE SHIPPING, CO., and KEYSTONE OCEAN SERVICES, INC. hereinafter referred to as Defendants and for cause of action, would respectfully show as follows:

A. Parties

1. Plaintiff ALEXANDER BENDOLPH (Plaintiff), is an individual who resides in Mobile, Mobile County, Alabama.

2. Defendant, THE UNITED STATES OF AMERICA, is the owner of the vessel SS Pollux. The SS Pollux is an Algol-class vehicle cargo ship that is maintained by the United States Maritime Administration.

3. Plaintiff was employed by Defendant Keystone Shipping Co., a foreign business organization. Its principal place of business is at One Bala Plaza East, Suite 600, Bala Cynwyd,

PA, 19004-1496. Keystone may be served by serving its registered agent, CT Corporation System, 1999 Bryan St., Ste 900, Dallas, Texas 75201-3136.

4. On information and belief, the SS Pollux was operated by Defendant Keystone Ocean Services, Inc., a foreign corporation. Its principal place of business is at One Bala Plaza East, Suite 600, Bala Cynwyd, PA, 19004-1496. Keystone may be served by serving its registered agent, CT Corporation System, 1999 Bryan St., Ste 900, Dallas, Texas 75201-3136.

5. Plaintiff will collectively refer to the foregoing two defendants as Keystone.

B. Venue

6. The SS Polux, on information and belief, is in Orange County, Texas.

7. Venue is proper in this District. 46 U.S.C. § 31104(a) ("A civil action under this chapter shall be brought in the district court of the United States for the district in which the vessel or cargo is found within the United States.").

C. Jurisdiction

8. Plaintiff is a seaman and brings this action against all Defendants pursuant to the Suits in Admiralty Act, 46 U.S.C. § 30901, et seq. and the Public Vessels Act, 46 U.S.C. § 31101, et seq. As to Keystone, he alternatively brings his claim pursuant to the Jones Act and requests a jury as to that claim.

D. Factual Summary

9. Plaintiff is an American citizen and an American seaman.

10. Plaintiff would show that this lawsuit has become necessary as a result of personal injuries sustained on or about September 3, 2014.

11. On that date, Plaintiff was employed by Keystone Shipping working on SS Pollux as an oiler. On information and belief, the SS Pollux was operated by Keystone Ocean Services,

Inc.

12. SS Pollux is an Algol-class vehicle cargo ship that is currently maintained by the United States Maritime Administration as part of the Ready Reserve Force (RRF).

13. On the date of the accident, the vessel was near the Florida Keys, Florida.

14. On the date of the accident, the Plaintiff was instructed to lift heavy items and parts in the tunnel area out of the cage. While lifting the heavy items and parts Plaintiff injured his lower back. Plaintiff should have been provided chain falls, other lifting devices, and additional help.

E. Causes of Action

Negligence

15. At all relevant times, Plaintiff was in the course and scope of his employment with Keystone. The actions and/or inactions of the United States, Keystone, and/or their agent's officers, agents and/or employees constitute negligence. The negligence of the Defendants and and their agents were a proximate and/or producing cause of Plaintiff's injuries and damages and as to any Jones Act claim, "a" cause of Plaintiff's injuries and damages.

16. Defendants and their agents were negligent in the following ways:

a. Failing to provide equipment to assist with the lifts;

b. Failing to provide additional help;

c. Failing to provide a safe place to work;

d. Failing to implement policies that would have eliminated the possibility of the accident;

e. Failing to provide a competent crew;

f. Failing to provide the proper tools and equipment;

g. Other acts deemed negligent.

Unseaworthiness

17. Defendants owed a duty to Plaintiff to maintain the vessel in a seaworthy condition. Plaintiff will show that the vessel was unseaworthy and that said unseaworthiness was a proximate and/or producing cause of Plaintiff's injuries for the reasons stated in the negligence section. Those allegations are incorporated herein.

Maintenance and Cure

18. Plaintiff would show that on the above-mentioned dates, he was injured while in the course and scope of his employment.

19. Defendants owe maintenance and cure

F. Damages

20. As a direct and proximate result of Defendants' conduct, Plaintiff suffered the following injuries and damages:

a. Plaintiff has been forced to incur reasonable and necessary medical expenses in the past, and in all reasonable medical probability, will continue to incur reasonable and necessary medical expenses in the future;

b. Plaintiff has endured physical pain and suffering in the past, and in all reasonable medical probability, will continue to endure physical pain and suffering in the future;

c. Plaintiff has suffered mental anguish in the past, and in all reasonable medical probability, will continue to suffer mental anguish into the future;

d. Plaintiff has suffered physical impairment in the past and, in all reasonable medical probability, will continue to suffer physical impairment into the future;

e. Plaintiff has suffered physical disfigurement in the past and, in all reasonable medical probability, will continue to suffer physical disfigurement into the future; and

f. Plaintiff has suffered lost earnings in the past and, in all reasonable probability, will continue to suffer loss of earning capacity into the future.

21. Plaintiff further seeks recovery of punitive damages under general maritime law.

G. Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that, after trial on the merits, he have judgment against Defendants, for the following:

- a sum in excess of the minimum jurisdictional limits of this Honorable Court;
- pre-judgment interest thereon at the maximum legal rate;
- post-judgment interest thereon at the maximum legal rate;
- costs of Court; and,
- any and all such other and further relief, be it general or special, at law or in equity, to which Plaintiff may be justly entitled.

Dated: September 1, 2016.

Respectfully submitted,

GORDON, ELIAS & SEELY, L.L.P.

By: s/ Jeff Seely

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